

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

2017 MAR 27 P 2:27

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

EMMA D. COOK AND NATALIE C.
MCKENZIE, AS PERSONAL
REPRESENTATIVES OF THE ESTATE
OF JOHN SAMUEL COOK, DECEASED,

Plaintiff,

vs.

CORIZON, LLC, F/K/A CORIZON, INC.,
ALABAMA DEPARTMENT OF
CORRECTIONS, JEFFERSON S. DUNN,
RUTH NAGLICH, PHYLLIS BILLUPS,
TAHIR SIDDIQ, M.D. AND WILCOTTE
RAHMING, M.D.,

Defendants .

CIVIL ACTION NO.

2:17-cv-178.

NOTICE OF REMOVAL

COME NOW the Defendants, Corizon, LLC, Alabama Department of Corrections, Jefferson S. Dunn, Ruth Naglich, Phyllis Billups, Tahir Siddiq, M.D. and Wilcotte Rahming, M.D. ("Defendants") and jointly file this Notice of Removal of this action from the Circuit Court of Montgomery County, Alabama to the United States District Court for the Middle District of Alabama. As grounds hereto, Defendants show unto the Court as follows:

1. A civil action was filed in this matter on or about March 8, 2017, in the Circuit Court of Montgomery County, Alabama, and is now pending in said court,

bearing the Civil Action No.: 03-CV-2017-900355. A true and correct copy of the Summons and Complaint filed in said Court are attached hereto as Exhibit A.

2. The Complaint alleges violations of the Plaintiff's constitutional rights under the United States Constitution. Specifically, § 1983. This is a Federal law claim.

3. The Plaintiffs, Emma Cook and Natalie C. McKenzie ("Plaintiffs"), bring this matter on behalf of the estate of their brother John Samuel Cook, (deceased), a former inmate with the Alabama Department of Corrections, who was at all relevant times incarcerated at the Kilby and Bullock Correctional Facilities. Plaintiffs are making claims regarding the medical care and treatment that Mr. Cook received while an inmate incarcerated with the Alabama Department of Corrections.

The Plaintiff

4. Upon information and belief, the Plaintiffs are bringing this matter on behalf of their brother, a former inmate with the Alabama Department of Corrections.

The Removing Defendants

5. The correctional Defendants, Alabama Department of Corrections, Jefferson S. Dunn, Ruth Naglich, and Phyllis Billups, are all state agency employees with their principal place of business located in Montgomery, Alabama. The correctional defendants were all served on March 10, 2017.

6. The Defendants Corizon, LLC, Tahir Siddiq, M.D. and Wilcotte Rahming, M.D. are medical providers who contract with the Alabama Department of Corrections to

provide health care related services to Alabama state inmates. Corizon, LLC and Wilcotte Rahming, M.D. were served on March 10, 2017 and Tahir Siddiq, M.D. was served on March 13, 2017.

7. All Defendants were served less than thirty (30) days before the filing of the notice of this removal.

Grounds for Removal

8. This action is being removed pursuant to 28 U.S.C. § 1441 et. seq., inasmuch as this action could have been originally brought in this Court pursuant to 28 U.S.C. § 1331.

9. Federal district courts have original “Federal question” jurisdiction over “all civil actions arising under the Constitution, laws, or treaties of the United States.” *Clark v. Riley*, 2007 WL 1655593 (N.D. Ala.). The Complaint presents a federal question on its face; therefore, this Court has original jurisdiction over this matter. *Id.*

10. This Notice of Removal is timely filed because it is submitted within thirty (30) days of the date that the Defendants were first served with the Summons and Complaint in this action.

11. A true and correct copy of this Notice of Removal is being served on plaintiff on this date.


12. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Circuit Court of Montgomery County, Alabama.

Jurisdiction Under 28 U.S.C. § 1331

13. This action could have originally been brought in this Court pursuant to 28 U.S.C. § 1331 in that it is a civil action wherein the Plaintiff has brought claims against the Defendant alleging violations of §1983 by the inmate.

WHEREFORE, PREMISES CONSIDERED, the Defendant prays that this cause be removed from the Circuit Court of Montgomery County, Alabama, to the United States District Court for the Middle District of Alabama according to the statutes in such cases made and provided.

Respectfully submitted,



PHILIP G. PIGGOTT
ASB-4379-P67P

Of Counsel


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Jefferson Dunn, Ruth Naglich, Phyllis Billups,
Tahir Siddiq, M.D. and Wilcotte Rahming, M.D.

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2017, I mailed the foregoing to the Clerk of the Court, and I have placed a copy of the foregoing in the U.S. Mail, with First-Class Postage affixed to the following counsel:

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